

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

COMMUNITIES FOR A BETTER  
ENVIRONMENT,

Plaintiff,

vs.

COOPER & SCULLY, P.C.,

Defendant.

FILED  
JUN 24  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

File No. C 04-1033 SC

**MOTION TO DISMISS**

Plaintiff, COMMUNITIES FOR A BETTER ENVIRONMENT, and Defendant, COOPER & SCULLY, P.C., move the court to dismiss this action with prejudice on the grounds that all matters in controversy between the parties have been fully compromised and settled. The parties agree that costs will be paid by the party incurring same.

Respectfully submitted,

Howard Rice Nemerovski Canady Falk &  
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By *George Bramblett*  
George W. Bramblett *(AW)*

**ATTORNEYS FOR DEFENDANT**

Respectfully submitted,

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700 North Grant Street, Suite 201  
Odessa, TX 79760-1552

By *Robert M. Greenberg*  
Robert M. Greenberg

**ATTORNEYS FOR PLAINTIFF**



CERTIFICATE OF SERVICE

I am over the age of 18 years and not a party to the within entitled action. I am employed at Mary Alexander & Associates, P.C., 44 Montgomery Street, Suite 1303, San Francisco, California 94104.

On May 8, 2006, I caused to be served the within **MOTION TO DISMISS** on the following persons:

Daniel B. Asimow  
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☒ BY MAIL: I caused true and correct copies of the above documents to be placed and sealed in an envelope (or envelopes) addressed to the addressee(s) with postage thereon fully prepaid, and I further caused said envelope(s) to be placed in the United States mail, in the City and County of San Francisco, California.

☐ BY PERSONAL SERVICE: I caused true and correct copies of the above documents to be placed and sealed in an envelope (or envelopes) addressed to the addressee(s) and I caused such envelope(s) to be delivered by hand on the office(s) of the addressee(s).

☐ BY FEDERAL EXPRESS: I caused true and correct copies of the above documents to be placed and sealed in an envelope (or envelopes) addressed to the addressee(s) and I used such envelope(s) to be delivered to Federal Express overnight courier service to the office(s) of the addressee(s).

☐ BY FACSIMILE: I caused a copy (or copies) of such document(s) to be sent via facsimile transmission to the office(s) of the address(s).

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1 I declare under penalty of perjury under the laws of the State of California that the  
2 foregoing is true and correct and that this declaration was executed on May 8, 2006, at San  
3 Francisco, California.

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5 LEAH J. DUCKWORTH  
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